

AGENDA FOR REGULAR CITY COUNCIL MEETING

**November 15, 2011
Council Chambers, City Hall
8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

Roll call and Executive Session*
Invocation and Pledge of Allegiance
Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Chaplain Lisle Davis
Pledge of Allegiance**

MAYOR’S PROCLAMATIONS

- 1. ADOPTION MONTH**
- 2. ETA PI OMEGA CHAPTER, ALPHA KAPPA ALPHA SORORITY, INC. DAY**
- 3. NATIONAL HOSPICE MONTH**

RECOGNITIONS

- 1. GREGORY JOHN COOK – STAR ON THE MOUNTAIN AWARD**
- 2. PAT GOFF – STAR ON THE MOUNTAIN AWARD**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved.

Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of November 8, 2011, the Special City Council Meeting of November 3, 2011 (Special Work Session – State of Texas 83rd Legislative Session) and the Special City Council Meeting of November 8, 2011(Executive Session – Cause No. 2011DCV06198).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Emma Acosta

3. RESOLUTIONS:

- 3A.** A Resolution approving a detailed site development plan for all of Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1452 Redd Road. Applicant: EZAR Properties, L.P. PZDS11-00019 (**District 1**) [Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 3B.** That Council approve a License Agreement between the University Medical Center (UMC), the County of El Paso and the City of El Paso to place microwave radio equipment on the roof towers of the UMC properties for the purpose of enhancing the speed for the shared IT Operations and the library's Broadband Technology Opportunity Program Grant. The UMC properties are located at 300 S. Zaragoza and 101 Potasio in Fabens. There is no cost to the City since all the parties have determined the service provided by each party is adequate consideration. (**All Districts**) [Information Technology, Miguel Gamino, (915) 541-4746]

4. SPECIAL APPOINTMENTS:

- 4A.** Sol M. Cortez as Assistant City Attorney effective November 28, 2011.
(**All Districts**) [City Attorney's Office, Charlie McNabb, (915) 541-4550]
- 4B.** Lesley J. Nicholes as Assistant City Attorney effective January 2, 2012.
(**All Districts**) [City Attorney's Office, Charlie McNabb, (915) 541-4550]

5. BOARD RE-APPOINTMENT:

Rafael Hernando III to the City Accessibility Advisory Committee by Representative Michiel Noe, District 5. [Representative Michiel Noe, (915) 541-4701]

6. BOARD APPOINTMENT:

Daniel Longoria to the Museums and Cultural Affairs Advisory Board by Representative Cortney Niland, District 8. [Representative Cortney Niland, (915)-541-4268]

REGULAR AGENDA - INTRODUCTIONS**7. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 7A.** An Ordinance granting a Special Privilege License to J.D. Abrams, LP. for the construction, installation, maintenance and repair of a 380 linear foot subsurface HMA TY C temporary water line within portions of City right-of-way beneath Flower Drive between Francis Street and Modesto Gomez Park and a portion of Modesto Gomez Park between Flower Drive and Highway Loop 375 (Cesar Chavez Highway) for a term of five years with one renewable five year term. NESV11-00042 **(District 3)** [Department of Transportation, Mirian Spencer, (915) 541-4482]
- 7B.** An Ordinance authorizing the City Manager to sign a Contract of Sale, Special Warranty Deed and any other necessary documents between the city of El Paso and Jobe Materials, L.P., the Sole Bidder, which will allow the city to convey to Jobe Materials, L.P. land held in Trust by the El Paso Water Utilities Public Service Board of Trustees totaling 10.14 acres of land being a portion of Section 17, Block 81, Township 2, City of El Paso, El Paso County, Texas, located in northeast El Paso at Fred Wilson and Marshall Roads. **(District 4)** [El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5607]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 29, 2011, FOR ITEMS 7A – 7B

- 7C.** An Ordinance changing the zoning of all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragoza Road, Gambusino Avenue and Azogue Avenue from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: east of Zaragoza Road and south of Gambusino Avenue. Applicant: River Oaks Properties, Ltd. PZRZ11-00037 **(ETJ/Adjacent to District 5)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 7D.** An Ordinance changing the zoning of all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragoza from R-F (Ranch and Farm) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Montana Avenue and west of Zaragoza Road. Applicant: River Oaks Properties, Ltd. PZRZ11-00038 **(ETJ/Adjacent to District 5)**
[Planning and Economic Development, Andrew Salloum, (915) 541-4633]
- 7E.** An Ordinance changing the zoning of Lots 12, 13, 14 save & except that portion of Lot 13 previously conveyed to the State of Texas in warranty deed recorded in Volume 211, Page 313, Real Property Record, Block 52, Map No 2. of Government Hill Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4131 Trowbridge

Drive. Applicant: Gateway Mission Training & Conference Center, Inc. PZRZ11-00036 **(District 2)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 7F.** An Ordinance granting Special Permit No. PZST11-00009, to allow for transitional housing on the property described as Lots 14-18, Block 117, Campbell's Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 510 S. Oregon Street. Applicant: Opportunity Center for the Homeless. PZST11-00009 **(District 8)** [Planning and Economic Development, Andrew Salloum, (915) 541-4633]

- 7G.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.18 (Sign Regulations) of the El Paso City Code to add a definition and establish standards for temporary real estate banners, and to amend other standards for both on premise and off premise signs. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [Planning and Economic Development, Kimberly Forsyth, (915) 541-4668]

- 7H.** An Ordinance changing the zoning of Tract 4B1 and 4B2, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1000 Robert E. Lee Road. Property Owner: W. W. Paddy Littlefield. PZRZ11-00044 **(District 3)** [Planning & Economic Development, Esther Guerrero, (915) 541-4720]

- 7I.** An Ordinance changing the zoning of a portion of Block P-4, portion of 20' alley and portion of Block P-3, Garden Subdivision, City of El Paso, El Paso County, Texas from A-3/sp (Apartment/special permit) to S-D (Special Development) and removing a Special Permit placed on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2914 Paisano Drive. Property Owner: International Communications of El Paso, Inc. PZRZ11-00042 **(District 8)** [Planning & Economic Development, Esther Guerrero, (915) 541-4720]

- 7J.** An Ordinance annexing the following real property described as all of Tract 2F, being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and a portion of the rights-of-way of Zaragosa Road, Gambusino Avenue and Azogue Avenue. Subject Property: East of Zaragoza Road and South of Gambusino Avenue, Property Owner: River Oaks Properties, Ltd. AN08-002 (SUB08-00090) **(East ETJ) (Adjacent to District 5)** [Planning & Economic Development, Geena Maskey, (915) 541-4192]

- 7K.** An Ordinance annexing the following real property described as all of Tract 7, Section 25, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas and being a portion of the rights-of-way of Montana Avenue and Zaragosa Road. Subject Property: North of Zaragosa Road and south of Montana Avenue. Property Owner: River Oaks Properties, Ltd. AN08-005 (SUB08-00093) **(East ETJ) (Adjacent to District 5)** [Planning & Economic Development, Geena Maskey, (915) 541-4192]

PUBLIC HEARING WILL BE HELD ON DECEMBER 6, 2011, FOR ITEMS 7C – 7K

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings,

Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

8. PLANNING AND ECONOMIC DEVELOPMENT:

An Ordinance releasing all conditions placed on property by Ordinance No. 9264 which changed the zoning of a portion of Lot 2, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 470 Eagle Drive. Property owner: The Foundation for the Los Robles Church. PZCR11-00002 **(District 8)**
[Planning & Economic Development, Esther Guerrero, (915) 541-4720]

9. FIRE:

An Ordinance amending Title 9 (Health And Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.130 (Chapter 33, Explosives and Fireworks, amended) to change the effective date of the discontinuance and abatement of any prior variance or exception to the fireworks ban; the penalty as provided in Section 9.52.030 of the El Paso City Code. **(All Districts)**
[Fire, Otto Drozd, (915) 771-1016]

10. DEPARTMENT OF TRANSPORTATION:

An Ordinance amending Title 15 (Public Services) to amend Chapter 15.08 to add Section 15.08.011 (Definitions) to define terms; and to amend Section 15.08.120 (Special Privilege Licenses and Permits), to clarify the process and timeline for filing an appeal, to make the City Manager the appeals official; and to identify the Downtown Management District as the entity to which applicants seeking a special privilege permit for events in the Downtown Improvement Area must submit their application.
(All Districts) [Department of Transportation, Mirian Spencer, (915) 541-4482]

REGULAR AGENDA – OTHER BUSINESS

11. DEPARTMENT OF TRANSPORTATION:

Discussion and action regarding a Resolution that the Mayor be authorized to sign, on behalf of the City of El Paso, an Amendment to Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to perform certain functions for the City's Department of Transportation in connection with the processing and issuing of special privilege permits for applicants seeking to hold events within the Downtown Plan Area that utilize public rights-of-way, subject to the terms and conditions in the Amendment to Interlocal Agreement.
(District 8) [Department of Transportation, Mirian Spencer, (915) 541-4482]

12. MAYOR AND COUNCIL:

12A. Discussion and action that the City Manager be authorized to submit a protest to the Texas Alcoholic Beverage Commission objecting to the issuance or reinstatement of a permit to sell alcoholic beverages to Monaco Entertainment Group, LLC under the trade name of Miami Social House at 1550 Hawkins Blvd., Suites 20-22, El Paso, Texas.

(District 3) [Representative Emma Acosta, (915) 541-4572]

- 12B.** Discussion and action to name parcel located on 520B South Side Rd. Spc. Adrian Garcia Park. **(District 6)** [Representative Eddie Holguin, (915) 541-4178]

REGULAR AGENDA – PUBLIC HEARING

13. CITY MANAGER / CITY ATTORNEY:

Public Hearing and discussion and action concerning establishing Interim Temporary Electric Rates. **(All Districts)**

[City Manager's Office, William F. Studer Jr., (915) 541-4215]

[City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]

POSTPONED FROM 10-25-2011

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Petition of El Paso Electric Company for Review of City of El Paso's Rate Resolutions and Request for Expedited Relief before the Public Utility Commission of Texas, Docket No. 39868. (551.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>